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PATENT
Attorney Docket No. 26052Y

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

POPP et al.

Serial No.: 10/790,648

Filing Date: March 1, 2004

For: COMPOSITIONS FOR TREATMENT OF HYPERPIGMENTATION
AND METHODS FOR MAKING AND USING SUCH COMPOSITIONS

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith for filing in the U.S. Patent and
Trademark Office is the following:

- 1) Transmittal Letter;
- 2) Information Disclosure Statement; and
- 3) PTO-Form 1449.

The Commissioner is specifically authorized to charge any required fee deficiency under 37 CFR §§ 1.16 or 1.17, or credit any overpayment, to Deposit Account No. 14-0112 in connection with this matter.

Respectfully submitted,

NATH & ASSOCIATES PLLC

Date: May 26, 2004
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INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents
Washington, D.C. 20231

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. § 1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

- ☒ a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.
- ☐ b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311.

The enclosed statement is accompanied by [check one]:

- ☐ i. a certification in part (e) below as specified in 37 C.F.R. § 1.97(e), or
- ☐ ii. a check in the amount required by 37 C.F.R. § 1.17(p).
- ☐ c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, but before payment of the issue fee.
- ☐ Certification report(e) below; and
- ☐ a check in the amount as required by § 1.17(p).
- ☐ d. The enclosed statement is being filed pursuant to 37 C.F.R. § 1.97(i), for placement in the file.
- ☐ e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

☐ I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

☐ Appropriate certification is attached.

☒ f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

☐ g. Copies of the non-U.S. patent documents are attached herewith with a completed Form PTO-1449.

or

☒ Copies of the documents are not attached as allowed under CFR § 1.98(d)(1)(2). The earlier application is identified as:
U.S. Patent Application Serial No. 10/208,279 filed on July 30, 2002, now U.S. Patent No. 6,699,464 granted March 2, 2004

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

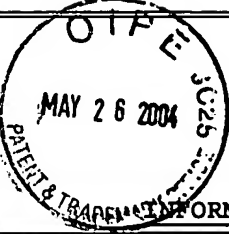
Respectfully submitted,
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 FORM PTO-1449 INFORMATION DISCLOSURE CITATION				Atty. Docket 26052Y		Serial No. 10/790,648	
				Applicant POPP et al.			
				Filing Date March 1, 2004		Group Art Unit n/a	
U.S. PATENT DOCUMENTS							
Examiner Initial		Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
	AA	4,136,166	01/23/79	Barnett et al.			04/18/77
	AB	5,378,461	01/03/95	Neigut			04/14/93
	AC	5,886,041	03/23/99	Yu et al.			12/29/97
	AD	5,932,612	08/03/99	Gordon et al.			08/05/97
	AE	6,048,517	04/11/00	Kaplan			11/25/96
	AF	6,048,886	04/11/00	Neigut			09/30/99
	AG	6,210,658	04/03/01	Bonda			06/12/00
	AH	6,399,045	06/04/02	Morgan et al.			03/10/00
	AI	6,444,195	09/03/02	Cole et al.			06/18/01
	AJ	6,485,713	11/26/02	Bonda et al.			03/05/02
	AK	6,537,529	03/25/03	Bonda			03/05/02
	AL	6,602,515	08/05/03	Chaudhuri			07/16/01
	AM	6,623,756	09/23/03	Wilber et al.			04/27/00
	AN	6,635,702	10/21/03	Schmucker-Castner et al.			04/11/00
FOREIGN PATENT DOCUMENTS							
		Document Number	Date	Country	Class	Sub-Class	Translation
	AO	WO 95/26180	10/05/95	PCT			Abstract
	AP	WO 97/12591	04/10/97	PCT			Abstract
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	AQ		Sauermann et al., "Coenzyme Q10-A Cutaneous Antioxidant and Energizer", <u>Kosmetische Medizin</u> , 20 Ausgabe 1, pp. 22-25, Apr. 1999.				
	AR		Ajinomoto Co., Inc., "The Salts of PCA and their Moisturizing Effects", <u>Technical Bulletin</u> , 13 pages, Feb. 15, 1978.				
	AS		Physician's Desk Reference, 29 th Ed., Medical Economics Company, p. 773, 1975.				
	AT		Physician's Desk Reference, 32 nd Ed., Litton Industries, Inc., pp. 846-847, 1978.				
	AU		Clinical Pharmacology 2000--Monograph for Hydroquinone, 1 page, Jan. 22, 2001, at http://cp.gsm.com/apps/product/showmono.asp?cpnum=1377&monotype=full&match=0 .				
Examiner				Date Considered			



FORM PTO-1449

INFORMATION DISCLOSURE CITATIONAtty. Docket
26052YSerial No.
10/790,648

Applicant

POPP et al.

Filing Date
March 1, 2004Group Art Unit
n/a**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
BA						
BB						

FOREIGN PATENT DOCUMENTS

Document Number	Date	Country	Class	Sub-Class	Translation
BC					
BD					

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

BE		Fytokem Products Inc., Fytokem Product Technical Information for Tyrostat-20, 2 pages, Apr. 5, 1999.
BF		Fytokem Products Inc., Fytokem Product Technical Information for Tyrostat-21, 2 pages, Jan. 17, 2000.
BG		Ajinomoto Co., Inc., "Ajinomoto Co.'s Humectant AJIDEW, Applications for Cosmetics," <u>Technical Bulletin</u> , 9 pages, Jun. 1972.
BH		ICN Pharmaceuticals, Inc., "Glyquin" <u>Product Sheet</u> , 2 pages, May, 2000.
BI		Ajinomoto Co., Inc., "Ajinomoto Co.'s AJIDEW," <u>Technical Bulletin</u> , 19 pages, Dec. 1972.
BJ		Langer et al., "Treatment of Acne Vulgaris", <u>AFP Clinical Pharmacology</u> , 1979, 20(2), 117-118.
BK		Gloor et al., "Topical treatment of acne vulgaris with erythromycin and benzoylperoxide" (Abstract), <u>Z. Hautkr.</u> , 1992, 57(12), 867-878.
BL		Tucker et al., "Comparison of topical clindamycin phosphate, benzoyl peroxide, and a combination of the two for the treatment of acne vulgaris" (Abstract), <u>Br. J. Dermatol.</u> , 1984, 110(4), 487-492.
BM		Gerny, "Experiences in dermatologic practice with combined external treatment of acne with benzoyl peroxide and erythromycin" (Abstract), <u>Z. Hautkr.</u> , 1984, 59(13), 888-893.

Examiner

Date Considered